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REMARKS

The Applicant would like to thank Examiner Chambers for the analysis contained in the Examination Report dated April 25th, 2005. Claims 1-6 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Gordon '515. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

As the Examiner is aware in order to properly support a rejection under 35 U.S.C. § 102(b) the cited reference must disclose each and every feature of the presently claimed invention.

Claims 1-6 presently stand rejected as being anticipated by Gordon '515. Gordon '515 illustrates an exercise structure and ball game. Trampoline ball games such as that of the present application and that described in the Gordon '515 tend to be vigorous and physically aggressive games. Players are not only vying for the ball but contending with rebounding surfaces which tend to be unstable and throw them off balance. These results in unexpected movements which ensure that the game remains challenging, however it also raises the potential for injuries.

With Gordon '515, there is a noticeable gap between the skirt 14 and the rebound surface 12 as illustrated in Fig. 5 and Fig. 8. On page 6, lines 38-41, Gordon '515 clearly states that "skirt 14 is accurately positioned adjacent the perimeter of the rebounding surface 12, without actually being fastened to the outer perimeter of the rebound surface 12". During play, there is risk that a player's leg or arm will slip through the gap created between the skirt 14 and the rebound surface 12 come into contact with the springs 16 and support frame. Gordon '515 suggests that because the vertical skirt 14 is held taut by the cable system 36, a person falling against the skirt 14 will slide onto the rebound surface 12 without injury. This may be accurate when a player falls against the upper portions of the vertical skirt, but Gordon '515 fails to contemplate the very probable situation of a player's leg or arm hitting directly at or around the gap between the skirt 14 and the rebounding surface. The risk is magnified during play, when the rebounding surface has been depressed during jumping or landing so as to create an even larger gap between the skirt 14 and the rebound surface 12.

With the present application, this risk has been addressed by lashing the bottom edges 45 of each of the side walls 18 to a peripheral edge 47 of each of the trampolines 32, 34, 36, and 37 as illustrated in Figs. 3 and 4 and described on page 6 of the specification. The lashing 52 prevents a player's leg or arm from passing between one of the trampolines 32, 34, 36, and 37 and one of the side walls 18. It is believed this feature distinguishes over Gordon '515. Accordingly, independent claim 1 has been amended and thus claim 1 and 5 emphasize this feature and include the specific recitation wherein "...each of the trampolines being suspended by springs, and a bottom edge of each of the side walls being lashed onto a

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peripheral edge of the each of the trampolines, such that the springs are positioned outside the sidewall and overlying pads prevent a player's legs from passing between one of the trampolines and one of the side walls." As such a feature is not disclosed, taught or suggested by the cited reference. It is believed that claims 1 and 5 are now in condition for allowance. As claims 2 and 3 depend from claim 1, it is respectfully submitted that these claims are also in condition for allowance. Claims 4 and 6 have been deleted from the application.

Claims 1-6 are also rejected, under 35 U.S.C. § 102(b), as being anticipated Gordon '966. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

With respect to Gordon '966, a similar safety concern is apparent. Gordon '966 also discloses a game court for a basketball style game. Gordon '966 teaches a game court consisting of a first surface area which is substantially rigid and a second surface area which is a deformable elastic surface. Surrounding the second surface area are cushioned pads 136 which cover the springs 138 and periphery of each second surface as illustrated in Fig. 3. This is not sufficient to prevent a person's leg from slipping through the springs. The pads tend to loosen and slip during play. Furthermore, as the second surface deforms while being jumped on by a player, the springs will expand and extend beyond the pads leaving gaps which a player could slip through, potentially resulting in injury. Furthermore, with Gordon '966, the springs 138 are located inside the sidewalls 130 of the game. This makes it even more likely that a player will come into contact with the springs 138.

With the present invention, the safety risk has been address by positioning the springs outside the sidewall and overlying pads to prevent a player's legs from passing between on of the trampolines and one of the side walls. Accordingly, independent claim 1 has been amended to include the recitation "...each of the trampolines being suspended by springs, and a bottom edge of each of the side walls being lashed onto a peripheral edge of the each of the trampolines, such that the springs are positioned outside the sidewall and overlying pads prevent a player's legs from passing between one of the trampolines and one of the side walls", and thus claim 1 and 5 emphasize this distinction. As claims 2 and 3 depend from claim 1, which has been placed in condition for allowance, it is respectfully submitted that these claims are also in condition for allowance. As noted above, claims 4 and 6 have been deleted from the application.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised anticipation rejections should be withdrawn at this time. If the Examiner disagrees with

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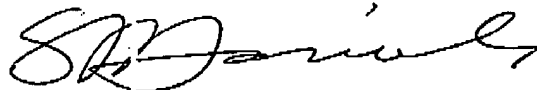
the Applicant's view concerning the withdrawal of the outstanding rejections or applicability of the Gordon '515 and Gordon '966 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised anticipation rejections should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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